

THE TEXAS COURT OF APPEALS  
13TH COURT OF APPEALS

**13-20-00199-CV**

FILED IN  
13th COURT OF APPEALS  
CORPUS CHRISTI/EDINBURG, TEXAS  
5/20/2020 11:18:01 AM  
KATHY S. MILLS  
Clerk

CITY OF SAN ANTONIO AND BOARD OF ADJUSTMENT  
Appellant

V.

ARTURO LOPEZ AND ELIZABETH LOPEZ  
Appellee

Appealed from the 45<sup>th</sup> District Court  
Bexar County, Texas

**APPELLANT'S UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

Now comes the City of San Antonio and respectfully requests that this Court, pursuant to Rule 10.5(b) of the Texas Rules of Appellate Procedure, extend the time to file Appellant's Opening Brief.

**A. Introduction**

1. Appellant is the City of San Antonio and the Board of Adjustment. Appellees are Arturo and Elizabeth Lopez.
2. This Motion is filed requesting an extension of time to file Appellant CITY OF SAN ANTONIO's Opening Brief to the Court.

3. Appellant contacted Appellee's counsel who stated she was not opposed to the City's request for this extension.

#### **B. Argument and Authorities**

4. The Court may grant an extension of time under the authority of Texas Rule of Appellate Procedure, 38.6(d).

5. The reporter's record in this matter was filed on April 24, 2020. Appellant's Opening Brief was due on May 26, 2020 – the 24<sup>th</sup> falling on a Sunday and the 25<sup>th</sup> falling on Memorial Day.

6. The City of San Antonio requests an additional thirty (30) days to file Appellant's Opening Brief.

7. The undersigned attorney requests this extension due to ill health and resultant hospitalization.

8. The request for additional time is not for purposes of undue delay but solely that justice may be served.

9. No previous extension has been sought or granted related to the filing of this Opening Brief.

#### **C. Conclusion**

10. The City of San Antonio requests an extension to June 25, 2020 to file its Appellant's Opening Brief.

#### **D. Prayer**

11. For these reasons, the City of San Antonio asks the Court to grant the requested extension of time to file its Appellant's Opening Brief.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests that this Court grant its Motion for Extension of Time and for such other and further relief to which it is justly entitled.

Respectfully submitted,

CITY OF SAN ANTONIO  
Andrew Segovia, City Attorney

/S/ Savita Rai

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Savita Rai  
Assistant City Attorney  
State Bar No. 24013368  
401 S. Frio  
San Antonio, Texas 78207  
Telephone: (210) 207-7154  
Facsimile: (210) 207-7355  
*Attorney for Appellant,  
City of San Antonio  
Board of Adjustment*

**CERTIFICATE OF CONFERENCE**

Counsel for Appellant conferred with Appellee's counsel, Samira Mery Lineberger, on this matter who stated she does not oppose the extension request.

/S/ Savita Rai

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Savita Rai

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been served on the following on the 20<sup>th</sup> day of May 2020:

Samira Mery Lineberger  
Lineberger Law Firm, PLLC  
1919 San Pedro Ave.  
San Antonio, Texas 78212  
(210) 735-9911 telephone  
(866) 748-3788 facsimile

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Tina Gilson on behalf of Savita Rai  
Bar No. 24013368  
tina.gilson@sanantonio.gov  
Envelope ID: 43112043  
Status as of 05/20/2020 13:08:58 PM -05:00

Associated Case Party: City of San Antonio

Name	BarNumber	Email	TimestampSubmitted	Status
Savita Rai		savita.rai@sanantonio.gov	5/20/2020 11:18:01 AM	SENT
Sam Adams		samuel.adams@sanantonio.gov	5/20/2020 11:18:01 AM	SENT

Associated Case Party: Arturo Lopez

Name	BarNumber	Email	TimestampSubmitted	Status
Samira MeryLineberger		sml@linebergerlawfirm.com	5/20/2020 11:18:01 AM	SENT

Associated Case Party: Elizabeth Lopez

Name	BarNumber	Email	TimestampSubmitted	Status
Elizabeth Lopez		sml@linebergerlawfirm.com	5/20/2020 11:18:01 AM	SENT